



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Supplement to Chapter 7 Absentee Voting and Chapter 16 Candidate Processing

April 2021



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The Handbook

Supplement to Chapter 7 Absentee Voting and Chapter 16 Candidate Processing - Issued April 2021

Effective for all elections held before July 1, 2021 (except where noted)

Table of Contents:

OVERVIEW

7A. ABSENTEE VOTING FOR ELECTIONS HELD BEFORE JULY 1, 2021

7A.1. CHAPTER ORGANIZATION

7A.2. IN GENERAL

7A.3. 2020 CHANGES

7A.4. PREPAID POSTAGE

7A.5. WITNESS SIGNATURE

7A.6. ABSENTEE BALLOT CURE PROCESS

7A.7. DROP-OFF LOCATIONS

7A.8. EMAIL BALLOTS FOR PRINT-DISABLED ADA VOTERS

16A. ELECTRONIC PETITIONS

REQUIRED FORMS ELECT C1289-(B6) Ballot Collection From Drop-Off Locations	ADDITIONAL RESOURCES Voter Affidavit (No Witness Signature on Absentee Ballot) Sample Language for Written Communication Absentee Cure Process Absentee Cure Log
REFERENCE Budget Amendments – HB1800	REGULATIONS 1VAC20-70-20. Material omissions from absentee ballots.



OVERVIEW

This document explains the requirements for elections under the budget amendments (Acts of Assembly, Chapter 552) from the 2021 Special General Assembly Session and a court-ordered Consent Decree. These rules apply to all special, general, and primary elections held before July 1, 2021 (unless noted), **including the June 2021 Primary Elections.**

Purpose of GREB Supplement

Periodically, the Department of Elections will be releasing supplemental chapters to the GR/EB Handbook. These supplements will summarize and explain recent and/or temporary changes to Virginia Law that affect the administration of elections through the General Registrars and Electoral Boards.

This Supplement

This supplement explains temporary changes to the law effectuated by the amendments to the budget (Acts of Assembly, Chapter 552; hereinafter referred to HB 1800) from General Assembly 2021 Special Session 1) and a court-ordered Consent Decree. This supplement also briefly reminds the reader of permanent law changes that happened as a result of legislation passed during the 2020 General Assembly Session.

NOTE: The General Assembly has passed a number of laws during this session that have been signed by the Governor. The Department of Elections anticipates a number of permanent legal changes to the elections code that will become effective on July 1, 2021. You will receive additional guidance on those changes in a future communication.



7A. ABSENTEE VOTING FOR ELECTIONS HELD BEFORE JULY 1, 2021

The following information affects the administration of absentee voting for *special, general, and primary elections* held before July 1, 2021. **This information applies to the June 2021 Primary Elections.**

7A.1. CHAPTER ORGANIZATION

This chapter serves as a supplement to the Absentee Voting section of the GREB Handbook. This supplement will help registrars and electoral boards perform their responsibilities for absentee voting in accordance with recent emergency changes to Virginia Law passed by the Virginia General Assembly.

Specifically, **this supplement explains the requirements for elections held prior to July 1, 2021** under HB 1800, a budget bill that makes temporary changes to Virginia's election laws.

7A.2. IN GENERAL

- This guidance applies only to elections held before July 1, 2021.
- For these elections, absentee ballots do not require a witness signature
- Postage must be prepaid on all absentee ballot return envelopes
- General Registrars will provide a process for voters to cure absentee ballots returned with material errors or omissions
- Voters may return absentee ballots to drop-off locations

7A.3. 2020 CHANGES

Last year, the Virginia General Assembly passed several laws that permanently changed the administration of absentee voting in Virginia. The following is a summary of **permanent absentee voting changes that apply to all elections**.

- All absentee voting in Virginia is permanently **no excuse absentee voting**. **Any registered voter may vote absentee by mail or in person without providing an excuse.**
- Absentee ballots mailed on or before Election Day will count toward the election result if general registrar receives them by noon the third day after the election.
- In person absentee voting must be made available at the general registrar's office on the two Saturdays before Election Day.



- Any registered voter may join the annual absentee ballot list.
- The State Board of Elections modified regulatory 1VAC20-70-20 to include instructions on processing ballots returned by noon the third day after an election but with a missing or illegible postmark.
- **Beginning July 1, 2021, the annual absentee voter list will become a permanent absentee voter list. ELECT will provide additional guidance concerning this transition.**
- The bill to extend polling place hours to 8:00 p.m. was not reenacted during the 2021 Session, and so the polling place hours remain unchanged: 6:00 a.m. to 7:00 p.m.

7A.4. PREPAID POSTAGE

When general registrars issue absentee ballots under § 24.2-706 of the Code of Virginia, they will include an envelope, properly addressed and postage prepaid, for the return of the absentee ballot.

In 2020, the General Assembly provided funds for the Department of Elections to reimburse localities for the cost of prepaid postage. Under HB1800, the Department will use remaining funds from 2020 to continue to reimburse localities for elections before July 1, 2021. Details of the reimbursement will be forthcoming. You should **keep detailed records of your absentee return envelope postage costs**. The graphics below provide the options for meeting the prepaid postage requirement, including features and limiting factors of each option.



Pricing Options for Returned Ballots

Prepaid Return Options	Anticipated Annual Return Volume	Annual Fees	Per Piece Cost (Based on 1 oz)
Business Reply Mail (BRM)	<934 pieces	\$240	\$1.40
BRM High Volume	>934 pieces	\$240 + \$725	\$0.643
Qualified Business Reply Mail (QBRM)	>616 pieces	\$725	\$0.606
QBRM High Volume	>167,276 pieces	\$725 + \$2,460 quarterly	\$0.549
Stamps	N/A	N/A	\$0.55
Metered Reply Mail	N/A	N/A	\$0.50

5

Prepaid Reply Mail Option	Features	Limiting Factors
Business Reply Mail	<ul style="list-style-type: none"> • There are multiple types of BRM accounts. This information is a consolidation of the main features of these different BRM accounts. • Pay only for responses received • Mailpiece design analysis available • One ZIP+4 Code designation for all mail types 	<ul style="list-style-type: none"> • Requires specific BRM envelope formatting • Annual permit fee + per piece rate • May require additional fees based on type of BRM permit



	<ul style="list-style-type: none"> • Lower postage than stamp price 	
Stamps	<ul style="list-style-type: none"> • Localities with limited reply needs can prepay return postage on single pieces • No per-piece fee • No account or permit necessary 	<ul style="list-style-type: none"> • Pay for return postage whether or not piece is returned • Manual processing at USPS facilities • May require coordination with Stamp Fulfillment Services
Metered Reply Mail	<ul style="list-style-type: none"> • States with limited reply needs can prepay return postage on single pieces • No per-piece fee • May be used on labels or printed envelopes • Lower postage than stamp price 	<ul style="list-style-type: none"> • Pay for return postage whether or not piece is returned • Permit required • Requires special printing machinery • Usually available through a third party contractor

7A.5. WITNESS SIGNATURE

Under HB1800, a missing witness signature on an absentee ballot is *not* considered a material omission. Therefore, HB1800 **effectively waives the absentee ballot witness signature requirement for elections held prior to July 1, 2021**. The approved absentee instructions available on Forms Warehouse clearly indicate this to voters. Because voters can still have a witness if they choose, Envelope B should not be altered to remove or cover the witness signature line.

7A.6. ABSENTEE BALLOT CURE PROCESS

Relevant Forms:

- Sample Language for Written Communication: Absentee Cure Process
- Voter Affidavit (No Witness Signature on Absentee Ballot)
- AB Cure Log Spreadsheet

Through HB1800, the General Assembly has reinstituted the absentee ballot cure process that applied to the November 3, 2020 General Election. This process gives individuals who submit absentee ballots with material errors or omissions an opportunity to cure those ballots and have them cast.

The cure process applies to absentee ballots returned to the general registrar **up to four days prior to the date of the election**.

For elections held before July 1, 2021, follow the procedures below when you receive absentee ballot envelopes with an incomplete or incorrect voter affirmation or any error or failure that would render the ballot void by law. **Please remember that the witness signature requirement for absentee ballots**



does not apply to these elections.

- Set-aside any returned absentee ballot envelopes returned on or before the Saturday prior to the election that contain an error or failure that would render the ballot void.
- Within three days of receiving such an envelope, you are required to contact the voter either by phone, email, or in writing, and provide information to the voter as to how to correct the issue so that his ballot may be counted.
- Keep a record of each effort to contact a voter. The record should contain the date and either the content of the message or, if you contact a voter by phone, a brief summary of the message or conversation. Use the AB Cure Log spreadsheet to help you capture and track this information. The AB Cure Log also provides an easy way to provide cure information in the event your office receives a FOIA request.
- The voter is entitled to make the necessary correction **any time before noon on the third day after Election Day**.
- A corrected ballot shall then be counted pursuant to the procedures set forth in § 24.2-709.1 of the Code of Virginia, if the voter is found to be entitled to vote.
- Until the deadline to request an absentee ballot, when you contact a voter, you should provide the option for them to request a new ballot. If you issue a new ballot, the first ballot shall be preserved with other spoiled absentee ballots.
- After the deadline to request an absentee ballot, let the voter know that it is past the date to issue a new ballot by mail. Make the voter aware of the option to cure his envelope in person or to cast a new ballot in person. If the voter chooses to cast a new ballot in person, the first ballot shall be preserved with other spoiled absentee ballots.
- For voters whose completed ballots are missing the voter's signature, you may issue the attached affidavit rather than issuing a new ballot. A voter's signed, returned affidavit will act as the voter's signature for purposes of curing the voter's ballot. Please note that voters may return their affidavits electronically, following the instructions on the attached affidavit form.

[Sample Language for Written Communication: Absentee Cure Process](#)

[Voter Affidavit](#)

[Absentee Cure Log](#)

7A.7. DROP-OFF LOCATIONS

Through HB1800, the General Assembly has voted to continue the use of absentee ballot drop-off locations in Virginia. This requirement applies to all elections held prior to July 1, 2021. Drop-off locations were utilized in the November 3, 2020 General Election. These locations include both secured drop-boxes and staffed locations where a voter can return a completed absentee ballot.



7A.7.1. REQUIREMENTS FOR DROP-OFF LOCATIONS

General registrars are required to maintain drop-off locations at:

- the general registrar's office;
- any satellite offices in your locality; and
- at each polling place on Election Day.

The following rules apply to all drop-off locations in your locality:

- Your locality's drop-off locations *must* be available for the hours that the general registrar's office or satellite office is open.
- On Election Day, you must operate a drop-off location at each precinct's polling place.
- These locations must be available for the hours that the polling place is open.

7A.7.2. ADDITIONAL LOCATIONS

As the general registrar, you may establish additional drop-off locations within your county or city as you deem necessary. These must be accessible, on public property unless located at a polling place, and compliant with any other criteria set by the Department of Elections.

- The Department of Elections highly recommends that registrars confer with their local Electoral Boards to determine if and where to place additional drop-off locations.
- You may use existing drop-boxes on government property as drop-boxes for elections (e.g. drop-boxes for making utility payments). However, any drop-box used must comply with all of the requirements in this guidance.

7A.7.3. ACCESSIBILITY REQUIREMENTS

All drop-off locations must meet accessibility requirements, including being accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. 12131 et seq). These are the same accessibility requirements as those for polling places, found in 24.2-310(C) of the Code of Virginia.

7A.7.4 OPERATION OF DROP-OFF LOCATIONS

You may operate your drop-off locations as either 1) secured drop boxes; or 2) staffed drop-off locations.

- Individuals are not required to show identification (ID) when returning their ballots to drop-off locations.
- At the general registrar's office, satellite locations, and polling places, clear signage should indicate where voters drop-off their ballots versus where voters vote in-person.



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- On Election Day, it is especially important that proper signage ensure that drop-off voters do not mistakenly wait in line to vote with in-person voters.

On the Sunday and Monday before Election Day, you are not required to operate drop-off locations at the general registrar's office or your satellite offices. However, *you must* continue to collect ballots daily from any drop-off location or drop boxes that remain open to the public on those days. If a drop box is available to the public on those days (for example boxes that are outside) and you do not wish for it to operate, it must be 1) locked so that ballots cannot be deposited in the box; and 2) have clear signage indicating that the last day for voting at this box is/was the date of the Saturday before Election Day.

7A.7.5. SECURITY STANDARDS FOR DROP-OFF LOCATIONS

7A.7.5.1 Physical Security Requirements for Secured Drop Boxes

- Must be constructed of durable material able to withstand vandalism, removal, and inclement weather, and be securely fastened to prevent moving or tampering.
- Your drop boxes must be monitored by a video surveillance system. Existing security systems on government property may be utilized for drop-box surveillance.
- Video surveillance footage must be retained for 30 days following the deadline to certify the election, or until the conclusion of any election contest, whichever is later; except where there is a potential violation of law where the surveillance could be used as evidence, then it must be retained through the statute of limitations or conclusion of judicial proceedings, whichever is later.
- Your locality's drop boxes should be well lit and have a clearly identified ballot insertion slot.
- Drop boxes should have signage clearly indicating that they are absentee ballot drop-boxes.
- Drop boxes should be designed to prevent overflow.
- If a drop-off location has multiple drop boxes, then each should be labeled with a unique identifier, such as a number, letter, or string of numbers and letters. That identifier will be used to describe the particular drop box for record keeping.
- All drop boxes must have an opening slot that is not large enough to allow ballots to be tampered with or removed. The opening slot should be designed to minimize the ability for liquid to be poured into the drop box or for rainwater to seep in.
- All drop boxes must be secured by a lock (e.g. padlock) or sealable with a tamper-evident seal. Only an elections officer, general registrar staff, or the general registrar or assistant should have access to the keys and/or combination of the lock.
- The individuals retrieving ballots should wear a badge or other identifier that readily identifies them as a designated ballot retriever.
- The drop box must be clearly and visibly marked as an "Official Ballot Drop Box" in all languages required under the federal Voting Rights Act of 1965. This includes:
 1. Language stating that tampering with the drop box is a felony.
 2. A phone number connecting the voter to your office.
 3. A statement informing the public that no ballots will be accepted after 7:00 p.m. on Election Day, unless there are voters in line or the time for the closing of the polls has been extended by a court order.



7A.7.5.2 Physical Security Requirements for Staffed Drop-off Locations

- Staffed locations do not need to use a drop box, and instead may have ballots placed into either 1) a container placed behind a counter; or 2) a portable container that can be transported to a curbside or mobile voting area.
- However, these containers **must be monitored at all times and may not leave the possession of the drop-off location staff while in operation.**
- At least one staff member must monitor the drop-off location at all times.
- These individuals should be officers of election representing the two major parties, when practicable, or two employees from the office of the general registrar. Registrars and assistant registrars may also staff drop-off locations.
- To secure ballots, these individuals must use a container that can be locked or sealed
- Once the drop-off location is not in use, any mobile containers must be placed in an area that is inaccessible to the public and/or otherwise safeguarded from tampering during the hours not in use.

7A.7.6 Chain of custody requirements

Under the new law, absentee ballots shall be collected from each drop-off location at least daily, by two officers of election representing the two major political parties, when practicable, or by two employees from the office of the general registrar, unless the drop-off location is in the office of the general registrar, in which case the general registrar or an assistant may collect the absentee ballots.

Your officers of election or employees should follow the instructions below to collect ballots from drop-off locations:

Before Election Day

1. The officers of election or employees will remove the ballots from the drop-off location and place them in a secure container.
2. That container will be sealed or locked by the officers of election or employees with their signatures, the date, and a record of the number of ballots that have been secured in the container.
3. The sealed or locked container shall be immediately transported to the general's registrar office by the officers of election or employees who collect the ballots.
4. At the general registrar's office, these ballots shall be processed following the procedures in § 24.2-709.1 and § 24.2-711 of the Code of Virginia.
5. Please note that all drop-off ballots should be logged into VERIS as "Mail/Non USPS" when choosing the return method from mail, in person, or other.

On Election Day

1. Follow steps 1 and 2 above.



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2. The sealed or locked container shall be immediately transported to the general's registrar office OR the central absentee precinct by the officers of election or employees who collect the ballots.
 3. At each polling place, and each drop-box, the two mandatory officers of election or employees *must* be at the drop-off location at 7 pm to collect the final cast ballots. Any person in line to drop-off their ballot at 7 pm is allowed to do so.
 4. Please note that all drop-off ballots should be logged into VERIS as "Mail/Non USPS" when choosing the return method from mail, in person, or other. These ballots do not need to be counted on Election Night but must be counted as soon as possible in the following days.

Use the form attached below to keep a record of the ballot collection process. **Keeping a record of chain of custody using this form is mandatory.**

[Ballot Collection From Drop Off Locations](#)

7A.7.7. NOTICE REQUIREMENTS FOR DROP-OFF LOCATIONS

- You must post notice of each drop-off location in the general registrar's office.
- You must post notice of each drop-off location on the official website of your county or city.

These notices shall remain posted for the duration of the period during which absentee ballots may be returned; through **the Saturday before Election Day, or as long as your drop-off locations (including drop boxes) remain open, whichever is later.** ELECT has also provided space on the AB Instructions for you to provide information on where to find drop-off locations in your locality.

7A.7.8 Recordkeeping requirements

Your office should create and retain a record each time ballots are collected from a drop-off location, using the attached form "**Ballot Collection from Drop-off Locations**". You may store either physical copies of these records or electronic copies. Records should be retained for at least 18 months after the date of the election.

7A.7.9 Ballot returned to drop-off with no outer envelope

For drop-boxes

If you receive a ballot with no outer envelope but a complete Envelope B, you should accept the ballot and process it normally. If Envelope B contains material errors or omissions, follow the cure process outlined in ELECT's Official Guidance Absentee Cure Process.



For staffed drop-off locations

If a voter attempts to return their ballot without the outer envelope, and you notice before they have tendered the ballot to you, then you may ask the voter to place the ballot in the outer envelope. If the voter does not have the outer envelope or does not wish to place the ballot in the outer envelope, then you should proceed to accept the ballot in sealed Envelope B.

7A.7.10 Ballot dropped off in wrong locality

The absentee ballot instructions direct voters to use drop-off location in their own locality. However, some voters may drop-off their ballots at other localities in-error. **To ensure that all votes have the opportunity to be counted, general registrars should take reasonable action to deliver these ballots to the correct GR's office.** If you receive a ballot that should have been delivered to a different locality, you should either hand-deliver the ballot or forward it to the correct office, depending on how practicable physically delivery is.

Take the following actions to handle these ballots:

- Create a system to record any ballots that were incorrectly delivered to your locality.
- As soon as possible, mail (or if practicable for a nearby locality) hand-deliver those ballots to the correct locality.
- If delivered by hand, these ballots should not leave the possession of the GR, assistant GR, or registrar staff delivering the ballots until delivered to the correct office.'

7A.7.11 Emergency considerations

If a drop-box is suspected broken, tampered with, missing, or if chain-of-custody is unverifiable, the general registrar must investigate, document their findings, and report the incident to the Department of Elections, as appropriate. If there is any evidence of the above, the general registrar must also notify the Commonwealth's Attorney. If any ballots may have been affected, ELECT will instruct your locality to post notice of the issue and allow impacted voters to complete the gold emergency form and cast a new ballot.

Any video security surveillance recordings of a box that has been tampered with should be retained, and local law enforcement shall be contacted as soon as possible.

7A.8. Email Ballots for Print-Disabled ADA Voters

The following information only applies to the June 8, 2021 Primary Election and does not apply to elections on May 4, 2021 or any special election:



Similar to the General Election in November 2020, the Department of Elections has entered into a Consent Decree in litigation to provide accessible ballots to print-disabled voters.

The following guidance is required as a result of the Consent Decree.

Responsibilities of the Department of Elections:

1. By April 23, 2021, ELECT will make a ballot marking tool (with screen reader technology) available to all localities. ELECT will utilize the myBallot solution to comply with this mandate.
2. ELECT will issue instructions to localities explaining how to make the myBallot solution available to all print-disabled voters and how to count the ballots voted with the myBallot solution.
3. Because there will be print-disabled voters who already requested an absentee ballot, ELECT will amend absentee ballot instructions so these voters know that they may contact the General Registrar to void the ballot they have been sent, and instead vote using the myBallot solution.
4. ELECT will provide information on options available to print-disabled voters in a press release, on its website, and through social media.
5. ELECT will appoint an ombudsman within the agency for voters to contact if they are having any trouble using the myBallot system.

Responsibilities of the General Registrar:

1. If a voter applies for an absentee ballot and marks that they require assistance in completing their ballot, the General Registrar must contact the voter via mail, phone, or email (sample mail and email attached as Appendix A) and ask if the voter has a print disability. If the voter confirms that they have a print disability, the General Registrar will offer to provide the absentee ballot using myBallot if the voter chooses.
2. If the voter chooses myBallot, submit an ELECT System Support ticket requesting use of myBallot if you are not already set up to do so. You will only need to submit an ELECT System Support ticket for the first voter. After initial setup, you will be able to use the system for any additional voters who choose to use myBallot. If you would like to request use of myBallot prior to receiving a request from a voter, you may do so using the same process.
3. If the voter chooses to use myBallot, the General Registrar will mail to the voter an Envelope B inside an SBE-706-3A Absentee Return Envelope for the return of the voted ballot. Voters using the myBallot solution must print the completed ballot and return it to the General Registrar using any of the methods available to all absentee voters.
4. The General Registrar will place a tactile marking on Envelope A (for example a hole punch, a corner cut, or a tactile sticker) so the voter can identify the envelope as Envelope A.
5. General Registrars must not reject ballots from voters with print disabilities based on the position of the voter's signature or address on Envelope B or based on the fact that the ballot is printed on regular paper. Provide training to all staff and Officers of Election who may process these absentee ballots.
6. Voted absentee ballots from the myBallot solution will need to be hand-counted and accounted for accordingly.



16A. ELECTRONIC PETITIONS

The following information affects the 2021 election cycle:

The Appropriations Act of 2021 included an amendment permitting candidates for any election held in 2021 to use a form produced by the Department of Elections that would permit voters to sign a petition without a petition circulator being present and prescribed requirements for this form (ELECT-506/521(E)).

This is an electronic form and can be used by the following candidates:

- Any 2021 candidate for Governor, Lt. Governor, and Attorney General (statewide candidates)
- Any 2021 candidate for the House of Delegates
- Any 2021 candidate running for a local office or constitutional office

Required information that the signer must provide on the form (ELECT-506/521(E)):

- Affirmation that the signer is who they attest they are
- Affirmation that the signer is a resident of their jurisdiction, including a statement of their address, and
- Last four digits of the social security number ¹

The signer may sign the form by:

- 1. Adding a digital copy of their physical signature;
- 2. Printing the document, signing it physically, and scanning it;
- 3. Using a signature software program;
- 4. Typing their name on the signature line and the name line; or
- 5. Adding their signature electronically or physically to a hard copy that is provided to the campaign.

Candidates for non-statewide elections, including House of Delegates, local offices, and constitutional offices, must print the signed electronic petitions and submit them to the appropriate entity. ²

NOTES: ¹: The last four (4) digits of the petition signer's Social Security number (SSN4) are required on an electronic petition form. If the petition signer does not include the last four (4) digits of their Social Security number (SSN4) on an electronic petition form, the petition page will be determined invalid. If the petition signer signs a physical petition form in the presence of a petition circulator as prescribed under Va. Code §§ 24.2-506 or 24.2-521, the petition signer is not required to supply the last four (4) digits of their Social Security number (SSN4).

²: If you receive questions regarding filings from statewide candidates, direct them to the Department of Elections website and the Candidate Information link.



Appendix A. Sample Mail and Email Language for Print-Disabled Voters.

The text offered here is intended to be a sample you can customize for your voters and/or office. This specific language is not required, but can be helpful in providing proper information to voters in order to comply with the consent decree in *Gary v. Virginia Dept. of Elections*. Please feel free to edit as necessary.

Dear [Voter],

We received your application for an absentee ballot. On the application, you indicated that you will need assistance in completing your ballot.

If you are print disabled (e.g., blind or have low vision or impaired manual dexterity), you have the opportunity to use a program that includes an electronic ballot marking tool with screen reader assistive technology to complete your absentee ballot. If you are a print disabled voter, please contact our office at [xxx-xxx-xxxx] as soon as possible so we can make arrangements for you to use this technology to cast your absentee ballot. We can also fully explain the process when you contact us.

Sincerely,

[County/City]

General Registrar/Director of Elections

